AMENDMENTS TO THE DRAWINGS

Figures 5-7 are attached and labeled as "Prior Art"

Attachment: Figures 5-7 properly labeled as Replacement Sheets

REMARKS

This Amendment, submitted in reply to the Office Action dated February 2, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-4 are pending, of which claim 4 has been withdrawn from consideration as being directed to a non-elected invention. Accordingly, claims 1-3 have been examined in the current Office Action. Claim 3 has been rejected under 35 U.S.C. § 112, second paragraph, claims 1 and 2 have been rejected under 35 U.S.C. § 102(b), and claims 1-3 have been rejected under 35 U.S.C. § 103(a). Applicant submits the following in traversal of the rejections.

I. Preliminary Matters

The Examiner has objected to Figures 5-7 because they are not labeled as "Prior Art". Applicant has labeled Figures 5-7 as "Prior Art" as indicated above. Consequently, Applicant respectfully requests that the Examiner approve the drawings.

II. Rejection under 35 U.S.C. § 112, second paragraph

Claim 3 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant has amended claim 3 as indicated above. Applicant believes the amendment to claim 3 resolves the § 112, second paragraph rejection, consequently, Applicant request that § 112, second paragraph of claim 3 be withdrawn.

III. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,927,633 to McAllister ("McAllister")

A. Claim 1

Claim 1 has been amended as indicated above. In particular, claim 1 has been amended to recite "absorbing the tension of the magnetic tape *while winding or pulling out the magnetic tape*." On the contrary, in McAllister, the parking seat, i.e. cradle assembly 65, reduces shock forces subjected to the tape when the leader device is slammed into the parking seat. For at least this reason, claim 1 and its dependent claims should be deemed allowable.

IV. Rejections under 35 U.S.C. § 103(a) in view of Applicant's Admitted Prior Art ("APA") and U.S. Patent No. 4,881,696 to Mizutani et al. ("Mizutani")

The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the APA and Mizutani.

The Examiner maintains that Figs. 5 and 6 of the APA show a tape cartridge having substantially all the claimed features. The Examiner then cites to Mizutani as disclosing a tension absorbing unit. In particular, the Examiner maintains that the tape loose preventing member 31 of Mizutani discloses a tension absorbing unit. However, as taught in Mizutani, the tape loose preventing member 31 is always placed near a tape guide 9 to prevent the tape from becoming loose in the cartridge case (col. 1, lines 10-13; col. 5, lines 7-9 and lines 57-59; col. 6, lines 12-16). There is no such tape guide provided in Figs. 5 and 6 of the APA. Accordingly, since Mizutani teaches that the member 31 would be placed near a tape guide to prevent looseness of the tape, and Figs. 5 and 6 fail to teach or suggest a type of tape guide, Applicant submits that there is no motivation or suggestion to place the member 31 in the cartridge case of the APA, let alone in the specific location as recited in claim 1 (i.e., near a leader pin). Thus, assuming *arguendo* that the tape loose preventing member 31 provides some type of tension

absorption, one skilled in the art would not be motivated to combine the teachings of the references in the manner suggested by the Examiner.

In view of the above, Applicant submits that claim 1 is patentable over the cited references.

V. Rejections under 35 U.S.C. § 103(a) in view of the APA, Mizutani and U.S. Patent No. 3,064,913 to Badeau, Sr ("Badeau")

The Examiner has rejected claims 2 and 3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the APA, Mizutani and Badeau.

Since claims 2 and 3 are dependent upon claim 1, and Badeau fails to cure the deficient teachings of the APA and Mizutani, in regard to claim 1, Applicant submits that claims 2 and 3 are patentable over the cited references.

In addition, Applicant submits that Badeau is *non-analogous* art, i.e., it is directed to a printing machine and rolls of paper used therein, and not to tape cartridges and specific features provided in a tape cartridge. Accordingly, Applicant submits that one skilled in the art would not be motivated to provide any features of Badeau into the cartridge cases of the APA or Mizutani. Further, claim 3 specifically recites that one end of the coil spring is fixed to the cartridge case. Badeau clearly fails to teach or suggest such a feature.

VI. New Claims

Applicant has added claim 5 to provide a more varied scope of protection. Claim 5 is readable on the elected species and should be deemed allowable by virtue of its dependency to claim 1 for at least the reasons set forth above.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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